

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Madaline Chirica, et al.

Application No.: 10/667,290

Filed: September 18, 2003

For: MAMMALIAN RECEPTOR
PROTEINS; RELATED
REAGENTS AND METHODS

Examiner: J. Seharaseyon

Art Unit: 1647

Conf. No.: 8667

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO SECOND RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated November 1, 2006 (the "Restriction Requirement"), Applicant submits the following response. A petition for a one-month extension of time, thereby extending the time to reply from December 1, 2006 to January 2, 2007 (January 1, 2006, is a holiday), accompanies this response.

I. Restriction Requirement

The Examiner restricted the application into six separate inventions:

- I. Claims 24-29, drawn to a recombinant peptide and compositions containing them, classified in class 530, subclass 350.
- II. Claim 30, drawn to a method of producing an antigen:antibody complex, classified in class 530, subclass 387.9.

- III. Claims 31-34, drawn to a method for modulating the physiology or development of a cell comprising contacting the cell with an antagonist, classified in class 435, subclass 7.1.
- IV. Claims 31-34, drawn to a method for modulating the physiology or development of a cell comprising contacting the cell with an agonist, classified in class 435, subclass 7.1.
- V. Claims 35, 37 and 38, drawn to a method of treating an immune disorder comprising administering an antagonist, classified in class 514, subclass 12.
- VI. Claims 35, 37 and 38, drawn to a method of treating an immune disorder comprising administering an agonist, classified in class 514, subclass 12.

Applicants provisionally elect Group I, Claims 24-29 with claims drawn to a recombinant peptide and compositions containing them, classified in class 530, subclass 350, for example, as discussed in the Office Action.

The Examiner further required election of a physiological disorder selected from a list of four disorders ("a" through "d") at page 5 of the Restriction Requirement. Claims 37 and 38 are generic. Applicants have elected Group I above (Claims 24-29), which group is not subject to the proposed species election. The accompanying Preliminary Amendment cancels all claims making reference to the four physiological disorders. Therefore Applicant does not elect a species of physiological disorder.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

Applicant believes that no additional fees are due with this communication. Should this not be the case, the Commissioner is hereby authorized to debit any charges or refund any overpayments to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: 22-Dec-2006

By: Gregory R. Bellomy
Gregory R. Bellomy
Reg. No. 48,451
Attorney for Applicants

Customer No. 028008

DNAX Research, Inc.
901 California Avenue
Palo Alto, CA 94304-1104
Telephone (Switchboard): (650) 496-6400
Telephone No. (Direct): (650) 496-6565
Facsimile No.: (650) 496-1200